

## Surface Transportation Board, DOT

## § 1019.6

subpart, any notice to the IRS will be stayed until the issuance of a written decision which sustains or amends its original determination.

### **PART 1019—REGULATIONS GOVERNING CONDUCT OF SURFACE TRANSPORTATION BOARD EMPLOYEES**

Sec.

1019.1 Cross-reference to employee ethical conduct standards and financial disclosure regulations.

1019.2 Interpretation and advisory service.

1019.3 Ex parte communications.

1019.4 Use of intoxicants.

1019.5 Sexual harassment.

1019.6 Disciplinary and other remedial action.

AUTHORITY: 49 U.S.C. 721.

SOURCE: 58 FR 42027, Aug. 6, 1993, unless otherwise noted.

#### **§ 1019.1 Cross-reference to employee ethical conduct standards and financial disclosure regulations.**

Members and employees of the Surface Transportation Board also should refer to the executive branch Standards of Ethical Conduct at 5 CFR part 2635, the STB regulations at 5 CFR part 5001 which supplement the executive branch standards, and the executive branch financial disclosure regulations at 5 CFR part 2634.

#### **§ 1019.2 Interpretation and advisory service.**

(a) The Board's Executive Counsel shall be the Board's Designated Agency Ethics Official (DAEO).

(b) By June 30 of each year, the DAEO shall report to the Board on the operation of the Board's ethics program with any recommendations that the DAEO deems advisable.

[58 FR 42027, Aug. 6, 1993, as amended at 64 FR 53267, Oct. 1, 1999]

#### **§ 1019.3 Ex parte communications.**

Members and employees of the Board must conform to the standards adopted by the Board in 49 CFR 1102.2.

#### **§ 1019.4 Use of intoxicants.**

Members and employees of the Board shall not use alcohol, drugs, or other

intoxicants so as to impede the discharge of their official duties.

#### **§ 1019.5 Sexual harassment.**

(a) Members and employees shall not engage in harassment on the basis of sex. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, offensive, or unpleasant working environment.

(b) Employees and applicants may follow the standard Equal Employment Opportunity Board complaint process if they believe they have a work-related sexual harassment problem. This requires that the employee or applicant contact an EEO Counselor within 45 days of the alleged harassment or, if a personnel action is involved, within 45 days of its effective date.

(c) The regulations in this section apply also to harassment based on race, color, religion, or national origin.

#### **§ 1019.6 Disciplinary and other remedial action.**

Any violation of the regulations in this part by an employee shall be cause for appropriate disciplinary or other remedial action as provided in the STB's Manual of Administration 22-751, which may be in addition to any penalty prescribed by law. The manual is available from the Section of Personnel Services, Surface Transportation Board, Washington, DC 20423.

[58 FR 42027, Aug. 6, 1993, as amended at 64 FR 53267, Oct. 1, 1999]

## **Parts 1021–1029—Enforcement**